

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA**

In re:

MARIA PEREZ
SSN: XXX-XX-9957

Debtor /

Case No.: 9:15-bk-03389
Chapter 13

DEBTORS' OBJECTION TO CLAIM NUMBER 4 OF
CIT BANK, N.A. F/K/A ONEWEST BANK, N.A.

NOTICE OF OPPORTUNITY TO OBJECT AND
REQUEST FOR HEARING

Pursuant to Local Rule 2002-4, the Court will consider this motion, objection, or other matter without further notice or hearing unless a party-in-interest files a response within thirty (30) days from the date set forth on the proof of service attached to this paper plus an additional three days for service. If you object to the relief requested in this paper, you must file your response with the Clerk of the Court at 801 N. Florida Avenue, Suite 555, Tampa, FL 33602-3899, and serve a copy on the movant's attorney, Navarro Hernandez, P.L., 2151 LeJeune Rd., Ste. 300, Coral Gables, FL 33154 within the time allowed.

If you file and serve a response within the time permitted, the Court may schedule and notify you of a hearing, or the Court may consider the response and may grant or deny the relief requested without a hearing. If you do not file a response within the time permitted, the Court will consider that you do not oppose the relief requested in the paper, will proceed to consider the paper without further notice or hearing, and may grant the relief requested.

COMES NOW, the Debtor by and through undersigned counsel and files this Objection to **Claim No. 4**, filed by **CIT Bank, N.A., f/k/a OneWest Bank, N.A.** and state as follows:

1. **CIT Bank, N.A., f/k/a OneWest Bank, N.A.** filed secured Proof of Claim **No. 4**, ("Claim") indicating an arrearage of \$183,189.06.
2. The Debtor(s) objects to the Claim on the basis that the Debtor assumed her late husband's mortgage loan and fully reinstated same by making a payment of \$5,746.41 by February 5, 2016 as indicated in the Objection to Chapter 13 Plan filed as DE 31.
3. The Claim shall be allowed with \$0.00 amount due to cure any default.

4. This court should sustain Debtor's objection, and allow the claim with

\$0.00 amount due to cure any default and allow Debtor to continue paying **CIT Bank, N.A., f/k/a OneWest Bank, N.A.** outside the Chapter 13 Plan.

WHEREFORE, the Debtor(s) respectfully request that this court enter an order sustaining this objection to the Proof of Claim of **CIT Bank, N.A., f/k/a OneWest Bank, N.A. (Claim No. 4)** and for any other relief deemed just and proper in the circumstances.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished to the parties and method listed below this **18th** day of **March, 2016**:

CIT Bank, N.A., f/k/a OneWest Bank, N.A.
c/o Scott C. Lewis, Esq.
Albertelli Law
PO Box 23028
Tampa, FL 33623
Via ECF, Regular US Mail, and e-mail:
slewis@Albertellilaw.com

Jon Waage, Chapter 13 Trustee
Via ECF

I HEREBY CERTIFY that I am admitted to the Bar of the United States District Court for the Middle District of Florida and I am in compliance with the additional qualifications to practice in this Court as set forth in Local Rule 2090-1(A).

NAVARRO HERNANDEZ, P.L.

Attorney for Debtor
P.O. Box 34-7650
Coral Gables, FL 33234
Telephone: 305-447-8707
Facsimile: 305-447-3787

By: /s/ Henry Hernandez

Henry Hernandez, Esq.
FL Bar No. 542601